

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHRISTON SHEPARD, <i>et al</i>)	3:14-cv-00679-MMD-WGC
)	
Plaintiffs,)	<u>MINUTES OF PROCEEDINGS</u>
)	
vs.)	July 28, 2016
)	
LYON COUNTY, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: Katie Lynn Ogden REPORTER: FTR

COUNSEL FOR PLAINTIFFS: James Beasley obo: Christon Shepard, Mary Mann Reasoner
and Melanie Huddleston (Telephonically), and Carole Pope obo: Mandy Barrett (Present)

COUNSEL FOR DEFENDANTS: Katherine Parks obo: Lyon County (Present) and
Doug Rands obo: Jerry Peek (Telephonically)

MINUTES OF PROCEEDINGS: Discovery Conference

1:41 p.m. Court convenes.

The court reviews the history of the case. In August of 2015 the court consolidated Case No. 3:15-cv-00189-MMD-WGC, *Barrett v. Lyon County, et al* with this case for all pre-trial proceedings and trial, but not for purposes of judgement and appeal (ECF No. 15). The court designated this case as the lead case and instructed all filings be submitted within the lead case.

Before the court today are the parties' joint request for stay of discovery (ECF No. 24). The court reviews the previous scheduling orders entered in this case (ECF Nos. 21 and 23) , which have been revised twice since the original scheduled order entered on 9/1/2015 (ECF No. 17). Currently the date for discovery to be completed is 8/18/2016.

Counsel explain, to date, limited discovery has been achieved and certain discovery has not been responded to in light of defendant Jerry Peek's pending criminal case. The court notes that the parties' prior scheduling orders requested extensions of discovery to enable the parties to participate

Minutes of Proceedings
3:14-cv-00679-MMD-WGC
July 28, 2016

in settlement discussion, but the parties state they have not done so because of the pendency of the criminal case.

The court discusses the statement made in the parties' joint request for stay (ECF No. 24) suggesting that discovery has already been stayed as to Plaintiffs and defendant Jerry Peek pending the outcome of Mr. Peek's criminal case. The court requests counsel cite where in the case records such an order exist. Counsel are unable to locate such an order entered by the court, but all counsel concur they have been operating under the impression that discovery is stayed as to defendant Peek.

The court reviews the minutes of proceeding from the August 2015 (ECF No. 15) and states they are silent as to any order staying discovery as to Jerry Peek. Furthermore, the proposed discovery plan/scheduling order (ECF No. 16) and the first stipulation to amend the discovery plan and scheduling order (ECF Nos. 20) make no reference to a discovery stay as to defendant Jerry Peek.

The court next addresses the parties current request to stay discovery. The court is advised defendant Peek's criminal trial has been rescheduled twice and is now on calendar for March 2017. The court makes the observation that defendant Peek's criminal case could potentially take several years to be concluded and justifying a stay in the instant case because of the pending criminal case would likely not be well received by District Judge Miranda M. Du.

The court and counsel discuss the possibility of scheduling a settlement conference. Ms. Parks explains Lyon County is hopeful to resolve this matter through settlement; however, the settlement must be global. The court suggests that there may be a way to craft a settlement agreement that would allow Lyon County to move forward with a settlement conference sooner than later.

Ms. Pope indicates her client is willing to participate in a settlement conference.

Mr. Rands indicates he would need his client's authority before committing to a settlement conference; however, he would like to be involved regardless of defendant Peek's participation during a settlement conference. The court explains, if a settlement conference is scheduled in this case, a motion to exempt defendant Peek's appearance from the settlement conference must be submitted for the court's consideration.

IT IS ORDERED this case is referred to recalled Magistrate Judge Robert A. McQuaid, Jr., for purposes of conducting a settlement conference. The court will not limit only Judge McQuaid, Jr., to conduct a settlement conference in this case. The parties may choose to coordinate a private mediator to conduct a settlement conference if the so desired.

Minutes of Proceedings
3:14-cv-00679-MMD-WGC
July 28, 2016

A settlement conference is hereby scheduled for **Tuesday, October 25, 2016, at 9:00 a.m.** before Magistrate Judge McQuaid, Jr., in Reno Courtroom to be determined. A separate order scheduling the settlement conference will be filed hereafter.

Returning to the parties' joint request to stay discovery, the court explains it is not comfortable staying the case indefinitely based on the criminal matter currently pending against defendant Peek. Therefore, IT IS ORDERED the parties request (ECF No. 24) is **DENIED**. The court states its review of the record does not show any indication of an order staying discovery as to defendant Peek. Nevertheless, assuming there was an order staying discovery as to defendant Peek, IT IS ORDERED any such order is **RESCINDED**.

The court, however, will extend the current deadlines set forth in the latest discovery plan/scheduling order (ECF No. 23). The court cautions counsel it will not favorably receive any further requests for extensions of time barring extraordinary circumstances.

Therefore, the discovery plan/scheduling order is revised as follows:

- Discovery Cut-Off Date: Tuesday, 1/31/2017;
- Disclosure of Expert Witnesses: Wednesday, 11/23/2016;
- Disclosure of Rebuttal Experts: Friday, 12/23/2016;
- Interim Status Report: Friday, 11/4/2016;
- Dispositive Motion(s): Tuesday, 2/28/2017;
- Proposed Joint Pretrial Order: Friday, 3/31/2017. In the event a dispositive motion is filed, the date for filing the joint pretrial order shall be suspended until thirty (30) days after decision of the dispositive motions or further order of the court.

A status conference is scheduled for **Thursday, 11/10/2016 at 10:00 a.m.** Counsel wishing to appear telephonically shall dial 1-877-873-8017, enter the access code 3416460, and enter the security code 111016 approximately five (5) minutes prior to the hearing.

The court advises counsel that any objection to today's orders shall be filed not later than fourteen (14) days from today's date (not the date in which the minutes are entered).

Minutes of Proceedings
3:14-cv-00679-MMD-WGC
July 28, 2016

There being no additional matters to address at this time, court adjourns at 2:12 p.m.

LANCE S. WILSON, CLERK

By: /s/
Katie Lynn Ogden, Deputy Clerk